

REMARKS

Claims 1-4 and 6-23 are currently pending in the application. By this amendment, claim 2 is amended and claims 22 and 23 are added for the Examiner's consideration. The above amendments do not add new matter to the application and are fully supported by the specification. For example, support for new claims 22 and 23 is provided at page 10 of the specification. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

35 U.S.C. §103(a) Rejection

Claims 1-4 and 6-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No.: 6,061,660 to EGGLESTON, *et al.* ("EGGLESTON") in view of U.S. Patent No.: 5,586,198 to LAKRITZ ("LAKRITZ"). This rejection is respectfully traversed.

Applicants submit that the Examiner has failed to set forth a *prima facie* case of unpatentability under 35 U.S.C. § 103 because no proper combination of the above-noted documents discloses or suggests the combination of features recited in at least independent claims 1, 2, 7, 11, 12 and 17.

In particular, independent claims 1, 2, 7, 11, 12 and 17 recite, *inter alia*,

checking a database of promotions for presence of a promotion that includes the qualifying value.

Furthermore, independent claim 1 recites, *inter alia*,

when a promotion that includes the qualifying value is present in the database, associating the qualifying value of the promotion with a module of selectively executable compiled web server code residing on a server's body of compiled code, selecting the module of selectively executable compiled web server code

and executing the module of selectively executable compiled web server code that provides the promotion,
wherein the associating is made explicitly by pointers that are included in terms of the promotions.

Furthermore, independent claim 2 recites, *inter alia*,

when a promotion that includes the qualifying value is present in the database, determining a reward value of the promotion that includes the qualifying value based on associating a module of selectively executable compiled web server code residing on a server's body of compiled code made explicitly by pointers that are included in terms of the promotion; and
executing the module of selectively executable compiled code associated with the reward.

Additionally, independent claim 7 recites, *inter alia*,

when a promotion that includes the qualifying value is present in the database, determining whether the promotion that includes the qualifying value is active; and
when the promotion that includes the qualifying value is active, determining a reward value of the promotion that includes the qualifying value and executing a module of selectively executable compiled code associated with the reward value.

Also, independent claim 11 recites, *inter alia*,

when a promotion that includes the qualifying value is present in the database, executing a module of selectively executable compiled web server code that provides the promotion.

Moreover, independent claim 12 recites, *inter alia*,

when a promotion that includes the qualifying value is present in the database, determining a reward value of the promotion that includes the qualifying value; and executing a module of selectively executable compiled code associated with the reward value.

Finally, independent claim 17 recites, *inter alia*,

when a promotion that includes the qualifying value is present in the database, determining whether the promotion that includes the qualifying value is active; and when the promotion that includes the qualifying value is active, determining a reward value of the promotion that includes the qualifying value and executing a module of selectively executable compiled code associated with the reward value.

Applicants submit that neither EGGLESTON nor LAKRITZ discloses or suggests, at least these features.

The Examiner acknowledges that EGGLESTON lacks any disclosure or suggestion with regard to checking a database of promotions for presence of a promotion that includes the qualifying value. However, the Examiner asserts that this feature is taught by LAKRITZ, and in particular, in the Abstract of LAKRITZ. This assertion is not correct.

As a preliminary matter, LAKRITZ is directed to a symbol recognition system which identifies characters in ideographic alphabets. This document is entirely unrelated to a method or program for enabling a web server to provide a commercial promotion, as in Applicants' invention. Nor is there any relation to the inventive program disclosed in EGGLESTON.

Furthermore, LAKRITZ clearly does not disclose or suggest checking a database of promotions for presence of a promotion that includes the qualifying value, as asserted by the Examiner. While Applicants acknowledge that the system in LAKRITZ utilizes a database 30 having the form of a module (see col. 7, lines 18-28), the disclosed database is merely "an ideographic description database" which stores a particular ideographic alphabet. There is no disclosure whatsoever with regard to promotions or qualifying values, much less, with regard to checking a database of promotions for presence of a promotion that includes the qualifying value. Nor has the Examiner identified any language in LAKRITZ which would even remotely support the Examiner's assertion.

With regard to EGGLESTON, Applicants submit that this document is entirely silent with regard to when a promotion that includes the qualifying value is present in the database, associating the qualifying value of the promotion with a module of selectively executable compiled web server code residing on a server's body of compiled code, selecting the module of selectively executable compiled web server code and executing the module of selectively executable compiled web server code that provides the promotion, and where the associating is made explicitly by pointers that are included in terms of the promotions. Nor has the Examiner identified any disclosure in EGGLESTON which discloses or suggests any of these features. For example, while the Examiner has identified col. 34, lines 1-20, as disclosing pointers which are included in terms of the promotions, it is clear from a fair reading of the cited language that it merely discloses that a pointer may be clicked on a particular scratch-and-win game. There is no logical relationship between this language in EGGLESTON and the pointer feature recited in claims 1 and 2.

The Examiner is also incorrect in asserting that EGGLESTON teaches when a promotion that includes the qualifying value is present in the database, determining a reward value of the promotion that includes the qualifying value based on associating a module of selectively executable compiled web server code residing on a server's body of compiled code made explicitly by pointers that are included in terms of the promotion and executing the module of selectively executable compiled code associated with the reward. Again, the Examiner has clearly failed to identify any disclosure in EGGLESTON which discloses or suggests any of these features. The Examiner

instead points to col. 32, lines 21-52, which merely discloses an application program that is capable of building an underlying code for an incentive program.

EGGLESTON is also entirely silent with regard to when a promotion that includes the qualifying value is present in the database, determining whether the promotion that includes the qualifying value is active and when the promotion that includes the qualifying value is active, determining a reward value of the promotion that includes the qualifying value and executing a module of selectively executable compiled code associated with the reward value. The Examiner has simply not identified any disclosure in EGGLESTON which discloses or suggests any of these features. The Examiner instead points to col. 26, lines 30-61, which merely discloses a web site that includes icons permitting the user to from various incentive programs.

EGGLESTON is additionally entirely silent with regard to when a promotion that includes the qualifying value is present in the database, executing a module of selectively executable compiled web server code that provides the promotion, or with regard to when a promotion that includes the qualifying value is present in the database, determining a reward value of the promotion that includes the qualifying value and executing a module of selectively executable compiled code associated with the reward value, or with regard to when a promotion that includes the qualifying value is present in the database, determining whether the promotion that includes the qualifying value is active and when the promotion that includes the qualifying value is active, determining a reward value of the promotion that includes the qualifying value and executing a module of selectively executable compiled code associated with the reward value. Again, the Examiner has clearly failed to identify any disclosure in EGGLESTON which discloses

or suggests any of these features. The Examiner instead points to col. 26, lines 30-61 and col. 32, lines 21-52, which merely discloses a web site that includes icons permitting the user to from various incentive programs and an application program that is capable of building an underlying code for an incentive program.

Thus, Applicants respectfully submit that independent claims 1, 2, 7, 11, 12 and 17 and dependent claims 3, 4, 6, 8-10, 13-21 are allowable.

Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. § 103(a) should be withdrawn.

New Claims are also Allowable

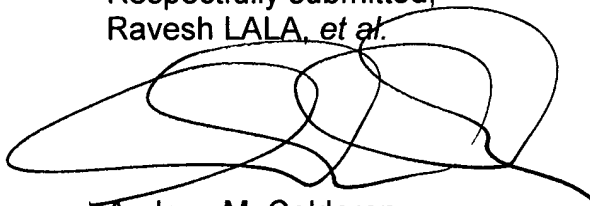
Applicants submit that the new claims 22 and 23 are allowable over the applied art of record. Specifically, claims 22 and 23 depend from claims which are believed to be allowable. Moreover, claims 22 and 23 recites a combination of features which are clearly not disclosed or suggested by the applied art of record. Accordingly, Applicants respectfully request consideration of these claims and further requests that the above-noted claims be indicated as being allowable.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for

extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to **IBM Deposit Account No. 09-0457** (Endicott).

Respectfully submitted,
Ravesh LALA, *et al.*

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Andrew M. Calderon
Reg. No. 38,093

November 14, 2005
Greenblum & Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, Virginia 20191
Telephone: 703-716-1191
Facsimile: 703-716-1180